

09-22-05

IFW



Atty. Dkt. No. 080643-0111

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Polzin, et al

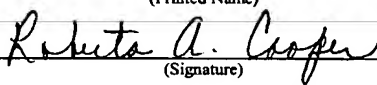
Title: SEPARABLE APPARATUS TO  
CUSHION AND DAMPEN  
VIBRATION AND METHOD

Appl. No.: 10/772,692

Filing Date: 2/4/2004

Examiner: Kyle, Michael J.

Art Unit: 3632

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 593171159 US	09/21/05
(Express Mail Label Number)	(Date of Deposit)
Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

**TRANSMITTAL**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

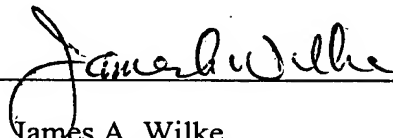
Transmitted herewith is an Amendment in the above-referenced application.

[ X ] Response to Restriction Requirement (2 pages).

Respectfully submitted,

Date 09-21-05

FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5306  
Telephone: (414) 297-5776  
Facsimile: (414) 297-4900

By 

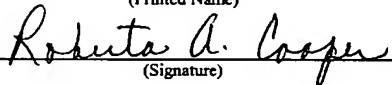
James A. Wilke  
Attorney for Applicant  
Registration No. 34,279



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Roberta A. Cooper (Printed Name)	
 (Signature)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed August 24, 2005, Applicants hereby provisionally elect Group I, Claims 1-11, for examination, with traverse.

The Examiner has required restriction between Claims 1-11 (Group I), drawn to a separable apparatus, classified in class 16, subclass 435; Claims 12-22 (Group II), drawn to a tool with a separable overmold grip, classified in class 16, subclass 430; Claims 23-32 (Group III) drawn to a method of making a separable apparatus in a mold, classified in the class 264, subclass 271.1; Claims 33-52 (Group IV) drawn to a tool with a void in the grip, classified in class 16, subclass 430; and Claims 53-63 (Group V) drawn to a handle with a separable overmold member, classified in class 16, subclass 421. Applicants respectfully disagree with the Examiner's position.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). In the present case, although the

claimed subject matter may be classified in different classes, the inventions are not independent. Each claim set as identified by the Examiner and as acknowledged by the Examiner, requires a "separable overmold". The separable overmold comprises three layers of the same elastomeric material with the middle layer also having a foaming agent which creates the microcellular structure between the two non-foam layers.

If the Examiner is aware of another way to make the product as claimed, using a process which is materially different from that set forth in the Claims, Applicants respectfully request the Examiner to substantiate his/her position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-63 presently pending in this application be examined.

Respectfully submitted,

Date 09-21-05

By James A. Wilke

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